

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA :

-v- :

FREDDY BREA, : S8 07 Cr. 308 (NRB)

Defendant. :

- - - - - x

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: OCT 12 2007

COUNT ONE

The United States Attorney charges:

1. From in or about 2004 up to and including in or about April 2007, in the Southern District of New York and elsewhere, FREDDY BREA, the defendant, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that FREDDY BREA, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

COUNT TWO

The United States Attorney further charges:

3. On or about February 17, 2007, in the Southern District of New York and elsewhere, FREDDY BREA, the defendant, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, approximately 50 kilograms of mixtures and substances containing a detectable amount of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1) & 841(b)(1)(A); Title 18, United States Code, Section 2.)

COUNT THREE

The United States Attorney further charges:

4. From in or about 2004 up to and including in or about April 2007, in the Southern District of New York and elsewhere, FREDDY BREA, the defendant, and others known and unknown, unlawfully, willfully and knowingly did combine, conspire, confederate and agree together and with each other to violate Title 18, United States Code, Section 1956(a)(1)(B)(i).

5. It was a part and an object of the conspiracy that FREDDY BREA, the defendant, and others known and unknown, in an offense involving and affecting interstate and foreign commerce, knowing that the property involved in certain financial transactions, to wit, the transfer and delivery of a large amount of cash, represented the proceeds of some form of unlawful

activity, unlawfully, willfully and knowingly would and did conduct and attempt to conduct such financial transactions which in fact involved the proceeds of specified unlawful activity, to wit, the proceeds of illegal narcotics transactions, knowing that the transactions were designed in whole and in part to conceal and disguise the nature, location, source, ownership and control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

(Title 18, United States Code, Section 1956(h).)

FORFEITURE ALLEGATION

6. As a result of committing the controlled substance offenses alleged in Counts One and Two of this Information, FREDDY BREA, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One and Two of this Information.

Substitute Asset Provision

i. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

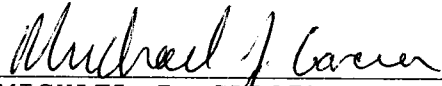
(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1) and 853.)


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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- v. -

FREDDY BREA,

Defendant.

INFORMATION

S8 07 CR 308 (NRB)

(Title 21, United States Code, Sections 812, 841(a)(1),
841(b)(1)(A), 846; Title 18, United States Code, Sections 2
and 1956(h).)

MICHAEL J. GARCIA
United States Attorney

10/12/07 PU Inf + Waiver of Ford
AUSA Brendan McGuire pres.
Def Freddy Brea pres w/stray
Lee Gimbrey. Def pleads Guilty
to CT's #1, 2, 3 of Ford. Consent
to Prosec for May Plea Def Bail Cont
Mag Judge Polinger